1948

File No. O. Extradition 48

Legal **DEPARTMENT**

A **BRANCH**

Subject:— O. Extradition

Opinions under the Extradition Act 1903

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File No. O. Extradition 48

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C O N T E N T S.

Legal Department File No. O.Extradition /1948.

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29/5
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Office of the R.L.A.

Extradition of accused undergoing sentence in India.

Indian Extradition Act, 1903.

The Government of Mewarà (Udaipur) made a request to this Government for the extradition of one Maliram Murlidhar for offences under sections 420 and 468 of the Indian Penal Code. The accused is at present undergoing, in Yeravda Central Prison, a sentence of four years passed by the Bombay High Court on his conviction for offences under sections 420, 467 and 471 of the Indian Penal Code. The Political and Services Department at first refused the demand for extradition relying upon a passage at page 35 of Muddiman's Law of Extradition that a person under trial or undergoing a sentence in British India is not to be surrendered till the termination of his trial or sentence. That passage however, based upon sub-section (3) of section 3 of the Extradition Act of 1870 (33& 34 Vict., C. 52), which, although applicable to India is to be read subject to the modifications introduced by the Indian Extradition Act of 1903. In reply, the State has pointed out section 11 of the Indian Extradition Act in support of their request. The P. and S.D's requests for the R.L.A.'s advice as to whether the accused can be surrendered to the State while undergoing sentence in India if there is sufficient prima facie evidence to justify his extradition.

The provisions of section 11 of the Indian Extradition Act are clear. A person accused of an offence committed in India, not being the offence for which his surrender is asked, or undergoing a sentence under any conviction in India cannot be surrendered in compliance with a requisition made on behalf of any State under section 9 except on the condition that such person shall be resurrendered to this Government on the termination of his trial

for the offence for which his surrender has been asked. Under sub-section (2), on the surrender of such person, his sentence is deemed to be supended until the date of his re-surrender, when it revives and has effect for the portion thereof which was unexpired at the time of his surrender. Consequently, it is open to this Government to comply with the request for the extradition of the accused provided the State agrees to re-surrender him to this Government on the termination of his trial in the State and provided also there is sufficient prima facie evidence to justify his surrender.

Sd.- P.M.Lad.

12/1

O.C. Remembrancer of Legal Affairs.

U.R. to P. and S.D., No. 372 dated the 12th January 1948.

K.M.P.
25/5
A.C.

The Government of the State of Bhopal sent a requisition to the Government of Bombay for the extradition of one Wali Mohammad son of Faugdar Mohammad to the Bhopal State for the offence of theft under section 380 of the Indian Penal Code. Along with the accused the surrender of the stolen property was also demanded. The papers of the prima facie evidence received from the Bhopal State were forwarded by the Political & Services Department to the Chief Presidency Magistrate, Bombay, for disposal. The accused was surrendered by the Chief Presidency Magistrate to the Bhopal State on the 20th October 1947 with the stolen property and two sums of money, namely, Rs. 1,200 and Rs. 50 found on his ~~person son.~~ person.

2. Besides the aforesaid property it was found from the police inquiries that the accused has sold more property to two Marwadis in Bombay for Rs.1,200 and Rs.110 respectively. One of them, premchand Shobhmal produced before the police a piece of gold weighing 11½ tolas stating that the accused had sold to him for Rs.1,200 four gold ornaments which he had melted and got the abovesaid quantity of gold therefrom. The second Marwadi Tarachand Rajmal produced before the police some silver ornaments which he said were sold to him by the accused for Rs.110. The Bombay police took charge of these gold and silver ornaments from these two persons and produced them in the Court of the Chief Presidency Magistrate when the accused was put up for extradition. As this property was claimed by the two Marwadis as the original owners, it was detained in the court and the Chief Presidency Magistrate wrote a letter to the Government of Bhopal to the effect that this property would be forwarded to Bhopal State for the purpose of identification at the time of the trial of the accused on their undertaking to

return the same to the Chief Presidency Magistrate's Court for disposal after the accused's trial at Bhopal was over. To this the Government of Bhopal replied that under section 517 of the Indian Penal Code, it depended upon the final judgment of the trying Court to dispose of the recovered stolen property connected with the case under trial according to its discretion, and that, therefore, the property in question should be surrendered to the State. The Chief Presidency Magistrate has thereupon brought these facts to the notice of Government and the papers have been forwarded by the Political & Services Department to the H.L.A. "for favour of advice".

2. The question on which H.L.A. is to advise has not been specifically stated; but obviously the point seems to be whether the property should be surrendered to the Bhopal State as demanded. Section 22(2)(b) of the Indian Extradition Act empowers the Governor-General in Council to make rules inter alia for the seizure and disposition of any property which is the subject to of or required for proof of any alleged offence to which this Act applies. In exercise of these powers, the Governor-General in Council has made the following rule, namely,:-

> "In any proceedings against any person under the provisions of the Indian Extradition Act, 1903,.....the Magistrate acting in such proceedings .....may exercise in any place in British India in respect of any property in the possession of such person or of any other person which appears to such Magistrate .....to have been the subject of or required for proof of the offence in respect of which the

H.M.I.
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Magistrate's Powers regarding disposal of property.

Indian Extradition Act, 1903. s. 22(2)(b) and Code of Criminal Procedure, 1898. s.517.

Section 22(2)(b) of the Indian Extradition Act empowers the Governor-General in Council to make rules inter alia for the seizure and disposition of any property which is the subject of or required for proof of any alleged offence to which this Act applies. In exercise of these powers, the Governor-General in Council has made the following rule, namely :-

> "In any proceedings against any person under the provisions of the Indian Extradition Act, 1903, ...the Magistrate acting in such proceedings .....may exercise in any place in British India in respect of any property in the possession of such person or of any other person which appears to such Magistrate .....to have been the subject of or required for proof of the offence in respect of which the proceedings are being taken, the powers of a court .....under the Code of Criminal Procedure, 1898, as if such property the production of which is necessary for the purposes of any investigation or trial under the said Code by or before such Court; and the provisions of the said Code shall apply to any summons or warrant issued in pursuance of this rule and to any search made under the authority of any warrant issued and to the disposal of any property seized in any such search."

The rule further empowers the Magistrate to send such property to the State to which such person is surrendered and such Magistrate has, in respect of such property produced before him or returned by the aforesaid State all the powers of disposal vested in a Court under the Code of Criminal Procedure, 1898, in respect of any property produced before it during an inquiry or trial (See Muddiman - Law of Extradition, p-70-71). The first part of the rule applies to the production of any property which is necessary for the purpose of any property any investigation or trial. The second part of the rule which is relevant in this case, enables a Magistrate to send the property produced before him to the State concerned; But the rule also provides that the Magistrate shall have, in respect of all such property produced before him in such proceedings or returned by the State

all the powers of disposal vested in a court under the Code of Criminal Procedure in respect of any property produced before it during an inquiry or trial. The court's power of disposal of property regarding which an offence has been committed, is defined in section 517 of the Code of Criminal Procedure which is the section relied upon by the Nepal State. That section provides that when an inquiry or trial in any court is concluded, the court may make such order as it thinks fit for the disposal by by destruction, confiscation or delivery to any person claiming to be entitled to possession thereof, or otherwise of any property produced before it or in its custody or regarding which any offence appears to have been committed, or which has been used for the commission of any offence. The section provides that this power is to be exercised only on the conclusion of the inquiry or trial. Now the expression 'inquiry', read in the context with the second part of the rule quoted above, obviously means inquiry before the Magistrate before whom the Extradition proceedings are pending. It does not necessarily mean the inquiry or trial by the court of the State to whom the accused is surrendered. Section 517 read with the second part of the rule enables the Magistrate before whom extradition proceedings are pending, either to return the property to the State concerned, or to make such order as he thinks fit regarding the disposal of the property on the conclusion of the Extradition proceedings pending before him, if he considers such order necessary for safeguarding the rights of the third parties

Sd.- P.M.Lad 12/1

O.C. Remembrancer of Legal Affairs.

U.R. to P. & G. Dptt., No. 413 Dated 13th January 1948.

K.M.P.
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Office of the R.L.A.

The accused in the present case do not come under any of the four catagories specified in section 198 of the Code of Criminal Procedure. They are apparently the sunjects of H.E.H. the Nizam and consequently, section 188 of the Criminal Procedure Code has no application to their case, and no sanction of Government under that section is necessary for the trial of the accused in India. The offence under section 411 would be triable only by the courts of Hydsrabad State since for giving jurisdiction to courts in Br.India the receipt or ~~detention~~ must take place ~~Place~~, within British India, unless the person receiving or retaining out of British India is a British subject. If the theft has been committed in British India and the accused is found in possession of stolen property out side British Indi he cannot be tried for the offence under section 411 by a British Court having jurisdiction over the place where the theft took place.

Sd.-
P.M.Lad

O.c. Remembrancer of Legal Affairs.

U.R. to P. and S .D., No. 1193 dated the 4th Februa 1948.

K.N.P.
25/5
4.C.

This is a requisition for the extradition of one Dahya Bhana Patal for the offence under section 420 of the Indian Penal Code. On a reference from the District Magistrate of Ahmedabad under section 6A of the Indian Extradition Act, the Political and Services Department requests the R.L.A. to the advise whether there is sufficient prima facie offence to justify the surrender of the accused to the Baroda State. The prosecution story is as follows :-

2. On or about the 2nd February 1947, the accused Dahya Bhana, his father Bhandeas Mandan and his sister Parvatibai who is the daugher-in-law of the complainant Amtalal Bechardas, came from Jasdan to the complainant's house at Karkaria and stayed there for 3 or 4 days. It is alleged that during this visit, the three accused rquested the complainant for the loan of his gold ornaments to be used on the occasion of Dahya's marriage. The complainant was ultimately induced to part with his ornaments on the understanding and assurance that he would be in charge of the management of the marriage ceremony and that Parvatibai herself would return the ornaments as soon as the function was over.

3. The complainant, however, did not receive any intivation to the marriage nor did he get back his ornaments. When he went to Jasdan on 3-6-47 and asked for the return of his ornaments, the accused promised to return them within a week. As the accused did not keep the promise the complaint was filed.

4. The complainant's story is sought to be corroborated by the evidence of Purshotam Jesang and Jesangbhai Bechardas in whose presence the ornaments are alleged to have been given and also the evidence of Dharamdas Khidas and Trikamlal Motialal who are alleged to have

accompanied him to Jasdan to demand the return of these ornaments.

5. As against this evidence, however, the accused Dahya produced before the Addl. D.M. Ahmedabad a number of postcards and a letter written by the complainant himself to the accused about the time the offence is alleged to have been committed, and thereafter, which strongly militate against the correctness of the prosecution story. There is one postcard dated 3-2-47 addressed to Bhandas and Parvatibai which proves that the three accused could not have come to visit him on 2-2-1947 on a short visit as alleged by the complainant. In his statement before the Addl. D.M. the accused stated that he and his father were to start a flour mill at Jasdan in partnership with the complainant and thaton that account the complainant had come to Jasdan on 29-1-47 and a deed of partnership was executed on 31-1-1947. This business required a capital of 6000/- of which the accused's share was Rs.3000/-. In lieu thereof the accused mortgaged his immoveable property in favour of the complainant and a morgage deed was also executed on the same day. It is then said that the complainant left Jasdan on 2-2-47 and reached Kakaria on 3-2-47. In the post-card dated 3-2-47 he writes to Bhandas at Jasdan that he had safely reached his village and requests that 'Parvatibai should be sent on the full moon day. Jasdan is in Kattiawad whereas Karkaria is in Mahasana Prant of the Baroda State. This post-card therefore proves that the accused could not have been at Kharkaria on 2-2-47. Subsequent letter and postcards which cover a period from 18-2-47 to 11-5-47 refer to the flour mill business and other matters and there is nothing in them about the loan of ornaments. On the contrary, the complainant addressed his daughter-in-law Parvati, who was a widow, in the most affectionate terms and requests her to return to his house. The transaction of the flour mill also subsequently fell through and therefore the complainant [illegible] the

mortgage deed to the accused on 19-5-47. If the story of the loan of the ornaments was true, it is reasonable to expect the complainant to withhold the document until the accused had returned his own property. On these facts, therefore, the Addl. D.M. has correctly held that this is a false case concocated with a view to obtaining possession of Parvatibai and that there is no prima facie evidence to support the charge. The Distt. Magistrate agrees with him. The reply to the P.&.S. Depttt. may be :-

"The prima facie evidence is not sufficient to justify the surrender of the accused to the Baroda State."

R.M. Mehatha

23/2/47

A.C.R.

Sd.-

28/2

R.C.A. P.M.Lad

24/2

uor Gv P.&.S.D. No. 1959 d. 27-2-1948.

K.N.P
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4.C.

Office of the R.L.A.

In view of the fact that the ornaments and clothes removed by the wife are of a kind generally worn by a married woman the burden of proof would lie on the complainant that they were exclusively his property and not his wife's proper which proof appears to be wanting. This appears to be a cas of elopement but has been given the colour of theft to facilitate extradition; Consequently it does not appear to be a fit case for insisting on the extradition of the accused

Sd.-

P.M.Lad 27/2

O.C. Remembrancer of Legal Affairs.

U.R. to P.& S.D.,No. 2013, dated the 28th February 1948.

K.N.P.
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4.C

Smbd. with PP. (O.Extradition/48).
2 pl. see slip L.

2301

27-2-48.

Sd.-

27/2

A.S.

Please see the R.L.A. opinion No. 1193 of 4-2-19 at slip L and the notes under that opinion. The R.L.A. advised that section 188 had no application to the case of the accused and no sanction of Government was necessary under that section for the trial of the accused in India. It was further held that the offence under section 411 of the Indian Penal Code having taken place in Hyderabad State, would be triable by the Courts of that state only unless the person receiving or retaining the stolen property out of British India was a British-subject.

The P.& S.D. has now returned the papers with the question whether the accused can be tried in Br. India for. offences under sections 380 and 457 the answerd to that has already been given by the first two sentences of the opinions. Reply may be .

The R.L.A. previous opinion covers the point now raised by the P.& S.D. the accused can be tried in India for offences under sections 380- 457 of the Indian Penal Code Sanction under section 188 of the criminal Procedure code is not necessary.

Sd. 27/2

A.L.R. R.T. Katarki 27/2

R.L.A. P.M.Lad 27/2

K.N.P.
29/5
4.C.

Office of the R.L.A.

The R.L.A.'s previous opinion covers the point now raised by the P. and S.D. The accused can be tried in India for offences under sections 380-457 of the Indian Penal Code. Sanction under section 188 of the Criminal Procedre Code is not necessary.

Sd.-

P.M.Lad

28/2

O.S. Remembrancer of Legal Affairs.

U.R.to P. and S.D., No. 2052, dated the 1st March 1948.

K.N.P.
25/5
4.C.

This is a further reference from the P.&.S. Deptt. in the case of Dattu Maruti Patil and others whose extradition was demanded by the Kohlapur state and in whose case the R.L.A. advised that there was sufficient prima facie evidence to justify the surrender of the accu d to the State for the offence under section 392 of the Indian Penal Code. Government concurred in that opinion an informed the District Magistrate, Belgaum accordingly. T District Magistrate replied that reference had been made to Government for their orders under section 3 read with section 9 of the Extradition Act and requested Government to issue a formal warrant under section 3, sub-section (8) as, according to him, in the absence of such warrant, the surrender would be illegal.

2. The D.S., P.& S. Department seems to be of the view that having regard to the instructions given to all District Magistrates and the Chief Presidency Magistrate in Government endorsement No.1588/46-A.I. of 12-8-1947 below Government of India Memorandum No. F.17(12)IB/47 dated 24th July 1947, it is not necessary for Government to issue a formal warrant. That endorsement authorises all the District Magistrates and the Chief Presidency Magistrate to correspond direct with the State Authorities in extradition matters. The R.L.A. is requested to advise whether on the strength of the letter dated 23rd December 1947, the District Magistrate, Belgaum cannot legally take necessary action for the surrender of the accused.

3. The view taken by the District Magistrate, Belgaum, is correct. With the withdrawal of the Political Officer s from the 15th August 1947, the procedure prescribed in section 9 of the Indian Extradition Act is no longer available. Extradition of offenders to native states is now governed by section 9 read with section 3 of the Act. Section 9 provides that a requisition for the surrender of

an accused person received from a native state should be dealt with in accordance with the procedure prescribed by section 3. Section 3 prescribes a detailed procedure. On receipt of such requisition, Government may, as a first step, direct a competent magistrate to hold inquiry into the case. Under sub-section 6 the magistrate has to forward a report of the result of his inquiry with a written statement, if any, submitted by the fugitive criminal, for the consideration of Government. Sub-section 8 next provides that if, on receipt of the magistrate's report under sub-section 6 and the High Court's decision under sub-section 7 of the Government is of opinion that the fugitive criminal ought to be surrendered it may issue a warrant for the custodyand and removal of such criminal and for his delivery at a place and to a person to be named in the warrant. The issue of a warrant is thus necessary under the procedure prescribed by section 3. The words "may issue" occurring in sub-section (8) merely emphasise the fact that a soverign Governemtn is under no absolute obligation to surrender a fugitive ctiminal to the Government of another State even if there is enough prima facie evidence to justify such surrender. They are not to be understood in the sense of giving Government a discretion to dispense with the procedural requirement of issuding a warrant. In other words, once Government forms the opinion that the accused ought to be surrendered, the issue of a warrant under sub-section (8) is necessary. The instructions given to the District Magistrates and the Chief presidency Magistrate in Government endorsement No.1580/46-A.I. dated 12th August 1947 are inconsistent with the provisions of section 3 of the Extradition Act.

Sd.-

27/11/48.

A.L.R,
R.L.A.

R.T. katarki

27/1

K.N.P.
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4.C.

Office of the R.L.A.

The legal position has been correctly stated in the Memorandum on Extradition form Secretary to His Excellency the Crown Representative, No.F.17(12)-IE/47 dated 24th July 1947. After the lapse of Paramountcy the only provisions available for extradition to States are those contained in Section 9 read with section 3 of the Indian Extradition Act. Under these provisions, the requisition should originally have been made to the Provincial Government and not to the District Magistrate. It was for the Provincial government if it thought fit to issue an order to any Magistrate who would have jurisdiction, direct to inquire into the crime if it had been an offence committed within the local limits of his jurisdiction, directing him to inquire into the case. Unless the Magistrate is so directed, he does not get the authority to issue a warrant. The warrants issued by the District Magistrate of Belgaum are, therefore, without any authority. Moreover, the district Magistrate of Belgaum does not seem to have followed the procedure in Chapter XVIII of the Code of Criminal Procedure in conducting the inquiry, as required by sub-section (3) of section 3 of the Indian Extradition Act. The report he has made to Government has not been made as a result of such inquiry, and consequently the report cannot be madethe foundation of the warrant to be issued by Government under sub-section (8) of Section 3. Similarly, it is not quite clear how the district Magistrate could release the accused on bail if he reached the conclusion that a prima facie case for a non-bailable offence was made out.

As the procedure of Section 9 and Section 3 has not been followed, it would not be quite legal for Government to issue the warrant under section 3(8). The Kolhapur State authorities should be informed that they should

make...

make a formal requisition under section 9; And upon such requisition being made the procedure outlined in section 3 should next be followed.

I would like to add that so far as extradition to States is concerned, the instructions given to Dis triet Magistrates and the Chief Presidency Magistrate in Government endorsement no.1580/46-A.1 dated 12th August 1947 are opposed to the prov Provisions of section 3 and therefore fore, are not warranted by law.

Sd.-

P.M.Lad.

28/4

o.c. Remembrancer of Legal Affairs.

U.R. to Jr. & S. Deptt., No. 4137 D/- 28th April 1948.

K.M.P.

26/5

4.C.

Office of the R.L.A.

The view taken by the Government of Baroda cannot be accepted. Section 75 of the Criminal Procedure Code applies to warrant of arrest issued by a Court under the Code itself and not to a warrant issued by a Political Officer of a native State under section 7 of the Indian Extradition Act. The attention of the Baroda Government may be invited to paragraph 4 of the Government of India letter No.F.17(120-I B/47 dated 24th July 1947 addressed by the Secretary to H.E. The Crown Representative to all Residents in States which lays down the procedure to be followed in extradition of offenders from and to state after the 15th August 1947. That Government may be informed that warrants issued under section 7(1) before 15yh August 1947 cannot be executed after that date as the authority issuing the warrant has ceased; and in such cases the State must make a fesh requisition under section 9 of the Extradition Act.

Sd.-

P.M.Lad.

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O.c. Remembrancer of Legal Affairs.

U.R. to P.& S.D.,No. 4379, dated the 6th May 1948.

K.N.P.
26/5
4.C.

The Govt. of Bombay received a requisition from the Government of Portuguese India at Goa for the extradition of Amel alias Antonietta D'Costa for the offence of theft under section 381 of the Indian Penal Code. The Chief Presidency Magistrate who was directed by Govt. to hold an inquiry under section 9 read with section 3 of the Indian Extradition Act has reported to Govt. that there is a prima facie case against the accused for the offence of theft committed by her in Goa and that she is not a "British" subject. The papers have been referred to the R.L.A. for advice whether ther e is sufficient prima facie evidence to justify the surrender of the accused to the Portuguese Indian authorities.

The depositions of withesses were recorded by the Chief Presidency Magistrate; The accused was maid-servant in the employment of one Mrs. P.S. Seco of Goa for about 8 years prior to 1945, Mrs. Seco states that on 21.2.1945 she and the other members of her family had gone out leaving the accused in charge of the house. On their return they found the accused missing from the house. Their suspicion was aroused and on searching the cupboard they found that a theft had been committed and several articles including 17 gold sovereigns, ornaments etc. worth Rs.1000 were found missing. No trace of the accused was found and accordingly the matter was reported to the Goa Police. In June 1947 she learnt from her daughter and son-in-law in Bandra that the accused had been arrested in Bombay. The accused was identified by the witness before the Magistrate.

The other witness Mr. J.R.D'Souza, the son-in-law of Mr. Seco says that on 4.6.1947 his wife saw near the band stand of Bandra the accused whom she immediately recognised as the maid servant working at her mother's house in Goa, and who had absconded on

2.2.1945. On the information given by his wife Mr. D'Souza reported the matter to the Bandra Police who arrested the accused on 5.6.1947.

The last witness is the Dy. Inspector of Police who was attached to Bandra Police station on 5.6.1947 and who arrested the accused on receipt of a letter from the Consul-General for India in Goa for the afrest and extradition of the accused.

None of the stolen property was found from the accused although her belongings were searched. She denied the charge.

The only witness who directly incriminates the accused is her mistress Mrs. Seceo . The disappearance of the accused from Goa simultaneously with the discovery of the theft of the articles is a strong piece of circumstantial evidence against her. The accused has not given any explanation of her strange conduct in leaving home where she was employed for eight years. The circumstantial evidence is enough to warrant at least a trial.

Reply may be :-

There is sufficent <u>prima facie</u> evidence to justify the surrender of the accused to the Portuguese Indian authorities.

Sd.-
5/5/48.

A.L.R. R.T. Katarki
R.L.A P.M.Lad. 5/5 5/5
uor. to P.&S.D. No. 4417 d. 7-5-1948.

K.N.P.
26/5
4.C.

Sub. writh pp.

Cd.

20/4 A.S.

4757
20/4/48.

Please puts up the papers underlines Dattu Marutis Case.

Sd.-
1/5

Mr. KulKarni

Resubmi.

2. Dattu Marutias Case papers are put up below (please see slip A of file and Extradition /48).

D.J. Kulakarni
1/5

A.S.

In this case the Chief Presidency Magistrate Bombay, was directed by Covernment to hold an enquiry under section 9 read with section 3 of the Indian Extradition Act in the case of one Dubla Karson Lalla whose surrender was demanded by Baroda State for an offence under section 325 of the Indian Penal Code. The Magistrate held and enquiry and came to the conclusion that a prima facie case had been made out against the accused. He then reported the result of the enquiry to Covernment. The P. & S.D. has referred the case to R.L.A. for advice whether having regard to the instructions issued to the District Magistrates in Covernment Endorsement No. 1560/46-A.I dated 12th August 1947 it is necessary for Government to issue warrant under section 3(3) of the Extradition Act for the surrender of the accused. This question was considered by the R.L.A. in his opinion No. 4137 dated 26ths April 1948. It will be sufficient if the attention of that department is invited to the concluding paragraph of the R.L.A's opinion If a detailed reply is considered necessary, I suggest it ma

be in terms of A-A of my not dated 27-1-1948 at p. 54 of File O/Extradition/48.

Sd.-

3/5/48.

A.L.R. Attention is invited to R.L.A's opinion No.4137 dated 28-4-1948/A

Sd.- R.T.Katarki
7/5

R.L.A. P.M.Lad

~~Reply Omitting~~

Sd.- P.M.Lad
7/5

U.O.R. to P.& S.B., No. 4472 d. 8-5-1948.

K.M.P.
29/5
A.C.

Office of the R.L.A.

The Government of India,,Ministry of States Circular No.F.22-p(3)/47, dated 19th November 1947 relating to the appointment of Regional Commissioners merely informs the Provincial Governments of the appointment of the Regional Commissioners by that Government and directs that all correspondence on non-controversial matters and not involving a question of policy intended for the States may be addressed to the Regional Commissioners concerned direct It does not say that these Regional Commissioners are to be deemed to be the principal officers within the meaning of chause 40 of section 3 of the General Clauses Act as amended by the Indian Independence (Adaptation of Central Acts and Ordinances) Order 1948, or that they are to execise the statutory powers under section 7 of the Indian Extradition Act which were formerly exercised by the Politica Agents. On the contrary, the Government of India has alread pointed out in the Memorandum No.F.17(12)-IB/47, dated 28th July 1947 that after the 15th August 1947 the procedure under section 7 of the Extradition Act will not be available unless the Act is amended. The circular relating to the appointment of the Regional Commissioners does not in terms supersede this opinion; and there is nothing else to show that the Regional Commissioners are authorised to perform the statutory functions of the Political Agent under section 7 of the Extradition Act. The point is nevertheless not free from doubt and in view of its importance the P.& S.D may seek clarification from the Government of India, Ministry of States.

Sd.-
P?M.Lad. 17/5

O.C. Remembrancer of Legal Affairs.

U.R. to P.& S.D. No. 4754, dated the 18th May 1948.

K.N.P.
26/5
4.C.

Office of the R.L.A.

Procedure for extradition.

Indian Extradition Act, 1903.

R.L.A's Nos. 4137, dated 28.4.1948 and 4754, dated 18.5.1948.

Please see the recent opinion of the R.L.A. No. 4137, dated 28.4.1948 wherein the correct procedure is explained. Under that procedure discretion is given to the Government in the first instance while issuing an order to the Magistrate under section 3(1). Under section 3(8) Government can again consider whether the fugitive criminal ought to be surrendered. At either stge it is open to Government to say that they would not issue the order to the Magistrate or surrender the fugitive; and no reasons need be given. That no doubt is the strict legal position. However although the State is under no absolute obligation to surrender criminals who have fled within its territory, the civilised nations of the world, as a rule, do not refuse a request for such surrender. This is because the law of extradition is, as pointed out by Lord Russel C.J. in In Are Arton (1896) , 1 Q.B. 108, based upon the broad principle that it is to the interest of civilised communities that crimes, acknowledged to be such , should not go unpunished, and that it is part of the comity of nations that one State should afford to another every assistance towards bringing persons guilty of such crimes to justice. No State can arbitrarily refuse a reasonable demand from another State for the surrender of a criminal who has fled from justice without incurring the risk of retaliation. / (2) This opinion is given on the assumption that the procedure under wsection 7 of the Extradition Act is no longer available. In that connection see R.L.A's No. 4754, dated 18th May 1948. Anyway, the question will soon become academic if the States whhh may have made the requisition merge.

K.N.P.
26/5
4.C.

P.M.Lad 19/5

O.C. Remembrancer of Legal Affairs.
U.R. to P. and S.D., 4891, dated the 20th May 1948.

Government of Baroda appears to have made a requisition for the extradition of Vata Margha Shankar Chatur and Ravaji Chatur, all of Vasna, taluka Borsad for offence under section 394 of the Indian Penal Code (voluntarily causing hurt while committing robbery). The papers have been forwarded to the R.L.A. for advice whether the prima facie evidence is sufficient to justify the surrender of the accused to Baroda State. The facts are as under :-

The complainant is one Pathu Jama. On 3rd December 1947, the complainant's brother Jaksi Jama was grazing the complainat's and other people's cattle in the limits of the village of Bhadran in Baroda State. It is alleged that the 3 accused came there, forcibly took possession of all the herds of cattle and also tied the hands of the complainant's brother and beat him and dragged him away along with the cattle to the village of Vasna. The cattle were afterwards found impounded in the cattle-d pound of the village of Vasna.

The complainant says that on the day of offence when his brother did no t return till the evening, he went out and searched for him when on the way he met two witnesses Lalaji and Dahiabhai who told him that the 3 accused had driven away all the cattle and had taken the complainant's brother with them. The complainant thereupon returned and lodged a complaint with the Police. Next day the complainant went the Police to the village of Vasna and regovered his cattled which was impounded there.

3. The next witness Dahiabhai says that while he was returning from Nisariya to Bhadran he saw

the three accused taking away the cows of the complainant and also the complainant's brother whose hands were tied with a rope. When the witness met the complainant, he reported the incident to him. The other witness Lalaji corroborates the story of Dah yabhai.

4. Jakai Jama, the brother of the complainant says that on the day of the offence, the 3 accused came to the field where he was grazing the cattle and began to drive away the cows to Vasna. When the witness questioned them, he was beaten and his hands tied by the accused who began to drag him away. In the meantime, Rava Bakore and Lalaji came up and asked the accused as to why they were beating the boy and why they wer taking away his cattle; The accused told them to mind their own business and took away the cattle towards Vasna. Witness Rava Bakore tells a similar story. The witness Jakai Jama was examined by the Medical Officer at Borsad and the Medical Certificate (Ex. VII) shows 3 injuries on his person. The further evidence of Dahiyabhai and Lalaji/Jakai Jama record on 10th March 1948 shows that the offence was committed witin the limits of village of Bhadran in Baroda State. The prosecution story is thus supported by the evidence of the complainantis brother and 3 other independent eye witnesses

5. On the other hand, the accused in their petition to the H.M.(II) state that on the day ~~of Bhadran into their own~~ of the alleged offence they saw about 45 cows which had strayed from the neighbouring village of Bhadran into their own fields in the villdage of Vasna. They also saw some rabaris and the boy from Bhadran present in the fields. They thereupon tried to arrest the rabaris but only the young boy (presumably Jakai Jama) was caught .

With the help of the village people, they impounded the cattle at Vasna. The accused then allege that the owndrs of the cattle put up a false case of theft and robbery against them and got them arrested. They therefore request that this being a false case against them, the demand for extradition shlubd be refused, or ih the alternative, sanction may be given under section 188 of the Cr, P.C. for their trial by a court in the Indian Dominion. It appears that they have also fibed a complaint for mischief against the owners of the cattle.

6. This seems to be a quarrel between the villagers of two neighbouring villages of Bhadran and Vasna. If the intention of the accused was to steal the cattle belonging to the neighbouring village, their subsequent conduct in impounding the cattle in the cattle pound at Vasna is inexplicable. However, in matters of extradition all that the surrendering authority is requird to see is whether there is sufficient prima facie evidence on revord to justify a trial. It is not necessary that the evidence should be sufficient to warrant a conviction. As regards the accused's request for sanction under section 188 of the Cr. P.C., it might be said that the State of Baroda is a progressive State where the administration of criminal justice is quite sound There is therefore, no reason to apprehend that the case of the accused will not be dealt with according to law. Reply may be:-

"There is sufficient prima facie evidence to justify the surrender of the accused to the Baroda State."

K.N.P.
26/5
4.C.

Sd.-
19/5/48

R.L.A. P.M. Lad 19/5
nor. to P.& S.D. No. 4868 d. 21-5-1948.

Smbd. with pp.
Sd.-
28/4

A.S.

The b.CRP&MA. on his letter at P. 1 refers to a No. J.D. 24(19) J/48 of 27th March 18th for the Prim Minister of Kolhapur. where is that letter? It is not be thes pall if shored of fawred from the P.& S.D.

Sd.- R.M.Mehatha
28/

Smbd.

The papers may be retured to P.& S.D. with a regurst to se the P. Mrs. letter referred to an C. Mns. letter Necessary enlt is accordinat y put up below file

Sd.-
29/4

A.S

P.M.Lad
29/4

U.O.R. to P. & S.D. No. 4213 D. 30-4-1948 .

Smbd. abter issue.
2. Amaint PP. fearm P. & S.D.

Sd.-
1/5

Sd.- P.M.Lad
1/5

Smbd.
2. the P.& S.D. has forwarded the C.P. Mas. letter.

Sd.-
11/5

A.S.

PTO

K.W

The Prime Minister of the Kolhapur State has made representation to the Chief Presidency Magistrate, Bombay for the extradition of one Shantesh C.Patel for the offence of criminal breach of trust under section 406 of the Indian Penal Codr in respect of an amount of Rs.1300/-. The Chief Presidency Magistrate is of opinion that if there is any offence it has been committed in Bombay and that it is the Bombay Court and not the Kolhapur court which has jurisdiction to try the accused. The papers haven been referred to H.L.A. for advice on this point.

2. The Complainant and the accused are both residents of Bombay but have been staying at Kolhapur for the last few months. The accused was staying with the complainant for about two years in Bombay. He floated a motion picture company under the style 'Pumpa Pictures' and hired a studio at Kolhapur. The accused then requested the complainant to make the necessary arrangements at Kolhapur and the complainant invested Rs.1000/- in the shares of the company and further handed over a sum of Rs. 1300/- to the accused for safe custody. The accused agreed to pay this amount when the complainant returned to Kolhapur. When the complainant returned to Kolhapur and asked the accused for the return off his money the latter gave evasive replies and did not pay him. The two witnesses examined on behalf of the complainant are both residents of Kolhapur in whose presence the complainant is alleged to have demanded from the accused the return of Rs.1300/-. There is no direct evidence to show the payment of the money at Bombay. Nevertheless on the facts alleged, it is clear that the Bombay court has jurisdiction to try the case (vide section 181 (2) of the Code of Criminal Procedure, 1898). The P.& S. Deptt. may be informed that the view taken by the Chief Presidency Magistrate in paragraph 2 of his letter dated 9th April 1948 is correct.

Sd.- 11/5/48

Reply may be :- the view taken by the Chief Presidency Magistrate is correct (See section 181(2) of Cr. P.C. and

Office of the R.L.A.

The view taken by the Chief Presidency Magistrate s correct. (See section 161 (2) of Criminal Procedure ode and 55 Bom,59).

Sd.-

P.M.Lad
21/5

O.C. Remembrancer of Legal Affairs.

U.O. to P. and S.D. , No. 1900, dated the 22nd May 1948.

K.M.P.
26/5
4.C.

Office of the R.L.A.

The papers show that the evidence against the two accused for whose extradition a requisition has been made for offences under section 457 and section 380 of the Indian Penal Code consists of the statement made by the co-accused Newala Gavaji and the testimony of a witness called Kaliya Dalla who is the complainant's father-in-law and who claims to have seen Newala and these two accused carrying muddas mal articles 1-11 early in the morning. The stolen property consists of bamboo baskets containing grain and tobacco, a khaddar bag and a sword.

2. It is not clear whether it is proposed to put these two accused on trial along with the co-accused Newala Gavaji. If that course is to be adopted, it must be pointed that the statement made by Newala Gavaji being a mere statment of a co-accused in the course of trial cannot be treated as evidence against these two accused. If, on the other hand, Newala Gavaji is separately tried and convicted, he would be a competent witness against these two accused. Even then his evidence would suffer from the infirmity that it is evidence of an accomplice.. Corroboration would have to be sought from the statement of witness Kalia Dalla, and in case Newala is to be tried along with these two accused, Kalia Dalla's statement would ne the only piece of evidence against them. Kalia Dalla apparently claims not only to have identified the two accused but, he even mentions their names which shows that he was acquainted with them before. If his evidence is believed, that by itself may be held sufficient for a prima facie case, and the

case would be strengthened if we have also the evidence of the accomplice Newala on oath at hold-that-there-is-sufficient-prima--facie-e the trial of the two accused. We may, therefore, hold that there is sufficient prima facie evidence to justify the surrender of the two accused. It appears from the papers that they have been released on bail and have been directed to appear before the First Class Magistrate, Kushalgarh. If they have voluntarily surrendered, no question of their extradition would arise.

Sd.-

P.M.Lad
22/5

O.C. Remembrancer of Legal Affairs.

U.R° to P. & G.D.No. 4930, dated the 24th May 1958 .

K.N.P.
26/5
A.C.

Smbt. with pr.
2. pl. see P. &S.D. Notes of pp. 7 8 0463/1875
ant P.& S.D. has formoder and pp. underline p.D. G.R
No. 8226/d.11-5-31

Sd.-
18/5

A.S.
One Kashinath Ragho Bhoi of the village of Shelpada in Jawhar State is alleged to have committed an offence under section 323 of the Indian Penal Code within the limits of the Wada Taluka in Thana district and has fled in the Jawhar State. The D.M. Thana sent a requisition to the State. Authorities for the extradition of the accused to the Court of the 2nd Class Magistrate, Wada to stand his trial there. The requisition was accompanied by prima facie evidence recorded by the 2nd Class Magistrate, Wada. On receipt of the requisition, the Jawahar State directed an inquiry to be made by the 3rd Class Magistrate, Vikramgad, and on receipt of his report, refused to surrender the accused presumably on the ground that according to the State, the prima facie evidence was not sufficient to justify the surrender of the accused. The D.M. says in his letter to Government dated 10th March 1948 that the State's action is contrary to the orders contained in Government Resolution, Political Department, No.8026 dated 11th May 1931 and paragraphs 65 and 66 of the Manual of Instructions to Officers of the Political Department of the Government of India, printed as an accompaniment to the Resolution aforesaid The D.M. is of the view that the State should have taken notice of the Prima facie evidence recorded by the 2nd Class Magistrate, Wada which clearly established a prima facie case and that the State was not justified in directing a subsequent inquiry in the matter and its action in refusing the demand

for extradition is contrary to law . He has there fore requested Government to take "necessary action " in the matter.

2. The D.S., P.& S.D. takes the view that the action taken by the State Authorities cannot be questioned by this Govt. because "we ourselves refuse to surrender accused to Indian States unless we are thoroughly satisfied on the report of the D.M. or the Addl. D.M. concerned that the prima facie evidence justifies that surrender".

3. The view takeny by the D.S. P.& S.D. is correct. The State is not bound to accept the view of this Government on the prima facie evidence recorded by the 2nd Class Magistrate, Wada. It is open to the State to direct an independent inquiry by one of its own Magistrates and to decline to comply with the demand for extradition if, in its view, the pprima facie evidence is not sufficient to warrant a trial; There are cases of the converse type where this Govt. having received a requisition for extradition from an Indian State companied by prima facie evidence recorded by a Magistrate of that State, has refused to comply with that request after directing an independent inquiry by any other magistrate and after considering the prima facie evidence recorded by the Magistrate, In other words, it is for the surrendering authority to decide whether the prima facie evidence is sufficient or not. Paragrpph 65 of the Manual of Instructions which is printed as an accompaniment to the Resolution of 11th May 1931 contains merely executive instructions

K.N.P.
29/5
4.c.

Office of the R.L.A.

The view taken by the Political and Services Department regarding the power of the State to refuse to surrender the accused is correct. On merits of the evidence also it is difficult to question the view taken by the State Magistrate.

Sd.-
P.M.Lad.
3/6

O.C. Remembrancer of Legal Affairs.

U.R. to P.&S.D., No. 5285, dated the 4th June 1946.

K.N.P.
26/5
A.C.

Smbd. with pp. (Q. Extr----------

Sd.-
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I dont know why thes watched case is berin_ ____
again again on L.D. A.S. C. of P.& S.D. who k be
the of 31-5-48 to caome and to be the
of thes

Sd.-
4/6

In his opinion No. 4754 dated the 18th May 1948 the R.L.A. advised the P.& S.D. that the Govt, of India, Circular relating to the appoinment of the Regional Commissioners did not show that the Regional Commissioners were authorised to perform the statutory functions of the Political Agent under section 7 of the Extradition Act but that the point being not free from doubt and in view of its importance, clarificatio may be sought from the Gavernment of India. The P.& S. Deptt. has now drawn attention to letter dated 30th March 1948 from the Govt, of India, Ministry of Home Affairs to the Govt. of Orrisa in which the Ministry of Home Affairs make a distiction between those acceding States which have surrendered all jurisdiction including criminal jurisdiction to the Central Governm ment and those acceding States which have not surrender ed any such jurisdiction. As regards the former , the Govt. of India's letter says that the cession of jurisdiction involves the setting up of criminal courts in those States by the Central or Provincial Government under the Extra-Provincial Jurisdiction Act, 1947, and that those courts will then be entitled to send summonsed and warrants to the courts in Provinces of India for service or executio. under section 930 of the Criminal Procedure Code and that similarly any court in the Provinces may

send summonees and warrants to the appropriate courts in those acceding States for service or execution under section 93A and 93B of the Code There is, therefore, no need for extradition proceedings as between this category of acceding States and the Provinces of India. With regard to the acceding States which have not surrendered their jurisdiction, the Government of India says that in view of the amendment of the definition of 'Political Agent' in clause 40 of section 3 of the General Clauses Act of 1897, the status-quo will be restored in the case of those States in or for which Regional Commissioners or other representatives are appointed by the Central Government andthat in respect of those States, the procedure under sectons 7, 8 and 8A of the Indian Extradition Act will now be available for extraditing fugitive criminals in those States.

2. This letter clarifies the doubt raised in the concluding sentence of the R.L.A.'s opinion referred to above. The accused in this particular case are now reported to have surrendered themselves to the Kolhapur State. No further action is, therefore, necessary. Papers may be A seen and returned A after keeping a copy of the Govt. of India letter referred to above.

Sd.-
4/6/48

R.L.A. Sd.- P.M.Lad.
4/6

U.O.R. to P. & S.D. No. 5426 d. 9-6-1948.

K.N.I.
29/5
4.C.

No. 8/1/46-Public
Government of India,
Ministry of Home Affairs.

From

E.C. Gaynor Esquire, M.B.E.,
Deputy Secretary to the Government of India.

To

The Secretary to the Government of Orissa
Law Department, Cuttack.

New Delhi, 3, the 30th March 1946.

Subject :- Extradition proceedings between the Provinces of India and the Acceding States.

Sir,

With reference to your letter No.6664, dated the 30th January 1946 on the subject mentioned above, I am directed to say that in order to consider the points raised by the Provincial Government, it is necessary to distinguish between those Acceding State,s, like Orissa and Chhatisgarh States, which have surrendered all jurisdiction including criminal jurisdiction to the Central Government and those Acceding States which have not surrendered any such jurisdiction.

2. As regards the first category of Acceding States, the cessaon of jurisdiction involves the setting up of Criminal courts in those states by the authority of the Central Government of of its delegate, the Provincial Government, under the Extra Provincial Jurisdiction Act, 1947 These courts will then be entitled to send summonses and warrants to the courts in the Provinces of India for sevice or execution under section 93 C of the Code of Criminal Procedure 1898. Similarly any court in the Provinces in India may send summonses and warrants to the appropriate courts in these Acceding States for service of execution under section 93 A and 93B and the Code. There is thus no need for extradition proceedings as between this category of Acceding States and the Provinces of India.

3. Such proceedings are, however, necessary in the case of Acceding States which have not surrendered their juri diction and there is no present intention of undertaking legislation with a view of dispensing with extradition proceedings in their case. At present owing to the omission of the definition of 'Political Agent' from section 3 of the General Clauses Act, 1897, by the India (Adaptation of Existing Indian Laws) Order, 1947, the provisions of Sections 7, 8 and 8A of the Indian Extradition Act 1903, are not available for the extradition of fugitive criminals in these Acceding States. They have to resort, therefore, to the more cumbrous procedure prescribed in section 9, read with Chapter II, of that Act. It is now proposed to remedy this defect by a further adaptation Order under section 9 of the Indian Independence Act restoring clause (40) of section 3 of the General Clauses Act, 1897, in the following modified form -

"(40) 'Political Agent' shall mean the principal officer by thhe whatever name called, representing the Central Government in any Acceding State or group of Acceding States or any territory or place outside India".

When this is done in the near future the Status quo ante will have been restored in the case of those States in or for which Regional Commissioners or other representatives are appointed by the Central Government, and no great difficulty will then be experienced in extraditing fugitive criminals in those states.

4. The position of Hyderabad, which has not acceded to the Dominion of India, but has executed a standstill agreement with regard to Ex-extradition, is exactly the same as that of the Acceding States which have not surrendered jurisdiction . The Agent General for India in Hyderabad will, afeer the further adaptation referred to in the preceding paragraph has been made, be abbe to issue warrants under section 7 of the Indian Extraditon Act.

I hhave the honour to be,
Sir
Your most obedient servant,
Sd/-(B.C. Gaynor)
Deputy Secrerary to the Government of India,

No. 8/1/48-Punlic. New Delhi, 3, the 30th March 1948.

Copy together with a copy of the letter under reply forwarded to -

(1) Al l Provinfial Governments and Chief Commissioners for information and guidance.

(11) Ministry of States/Law for infomation;

By order.

Sd/-
(A.V.Kaman)

Assistant Secrerary to the Government of India.

K.N.P.
26/5
4.C.

The Political Agent, Gujarat States Agency has addressed four bailable warrants dated 18th November 1946 to the District Magistrate, Panch Mahals, under section 7(1) of the Indian Extradition Act, 1903, for the arrest and delivery to the First Class Magistrate, Jambhughoda of four persons charged with having committed in Jambhughoda State the offence of kidnapping punishable under section 363 of the Indian Penal Code. The four persons who are Police constables attached to the Shirajpur Police outpost are accused of having kidnapped One Chunilal Dalpat from the village of Zaban in Jambhughoda State. The District Magistrate considers, on perusal of the papers of the Police inquiry that this is a false case concocted by the State Police and has made a reference to Government under section 8A of the Extradition Act requesting Govt. either to cancel the warrants under section 15, or, if it is felt that there is nothing to show that the case against the accused is false, to move the Political Agent for issuing a certificate for ~~then that~~ their trial in British India under the first proviso to section 188 of the Criminal Procedure Code. The papers have been forwared by the PE. and S.D. to the R.L.A. for advice whether there is sufficient prima facie evidence to justify the surrender of the accused. The facts are as under :

On 1st August 1946, Chunilal Dalpat, who is a toll Nakadar at Zaban in Jambughoda State was found carrying a sword stick while at Shivrajpur. As he held no licence for it, it was attached by Head Constable Munalal and Chunilal was permitted to go as he had State cash with him and as he had agreed to remain present whenever required. An offence under section 19(e) of the Indian Arms, 1878 was registered against him at the Halol . .

Police Station. On 28th September 1946 the Head constable on receiveing information that Chunilal was at the village of Navi Bhat, went there with his men and arrested him He was then tried and convicted by the Second Class Magistrate, Halol under section 19(e) and sentenced to pay a fine of Rs. 50. The State's allegation is that Chunilal was not arrested by the four Police Officers within the limits of British India but that he was kidnapped and taken away by them in a motor car from the limits of the Jambughoda State. The prosecution has examined 15 witnesses tome make out a prima facie case against the four accused personal It will be more convenient to eclassify the evidence into four distinct groups.

The first group consists of four witnesses, viz. Chunilal Dalpat (P.W.No. 2), his wife Amrit alias Tanti (P.W.Nos 10) and his two sons Chandulal and Manilal (P.W.Nos.1 and 8). The story which these four witnesses tell is this. On the date of the alleged offence of kidnapping while they were sleeping at nightean the verandah of the toll Naka at Jaban, a motor car came along from the direction of Shivrajpur, passed the Naka and stopped near the house of one Koli Manga Hagla. Chunilal then got up and approached the car, asking his two sons Chandualal and Manialal to follow him with a lantern. When the three of them went near the car, they noticed that the occupants were Jamadar Fulabhai who was in the frount seat with the driver, and Jamadar Munalal and constables Abbas and Bhadia Bhil in the rear seat. These latter three, under orders from Fulabjai, lifted Chuniala bodily into the car and thrust him into the rear seat. In the meantime Jatashanker (P.W.No. 3) and Bhago Bhave (P.W.No.9) came on the

K.N.P.
28/5
4.C.

Office of the R.L.A.

The allegation in this case is that the four Police Constables kidnapped one Chunilal Dalpat form the village of Zaban in Jambughoda State.

2. The evidence is naturally of interested persons; and there is every likelihood of its being untrue. But as it stands on paper, it does seem to support the allegation that Chunilal was conveyed out of Jambughoda State without his consent.

3. However, it is very doubtful whether this offence can be dealt with under section 7(1) of the Indian Extraditon Act, 1903. That section has in view an "extradition offence". Extradition offence has been defined in the Act to mean any such offence as is described in the first Schedule. Offence includes for the purposes of the Act, any act wheresoever committed which would, if committed in British India, constitutes an offence. The first Schedule which gives a list of extradition offences says that the sections referred to are the section of the Indian Penal Code. Kidnapping and slavery (sections 360 to 373) are no doubt included in that list. But the offeence under section 360 of the I.P.C. deals with one of the two varieti of kidnapping in India. It is an kidnapping beyond the limits of British India. It is an offence having reference to a peculiar territorial unit and by its very definitionk it is incapable of being committed outside British India. The general definition of "offence" is also not helpful for the purpose of treating the kidnapping out of a State as if it were kidnapping out of British India. In this respect kidnapping out of Britishh India made punishable under section 363 stands on a special footing from other offences mentioned in the list of extradition offences. It is of interest to note that it has been laid down by the Calcutta High Court that a person charged with having committed the offence of kidnapping an

Mayurbhunj, which is outside British India, cannot be tried by a Court in British India within the local limits of whose jurisdiction the person kidnapped may be conveyed or concealed or detained. (20 C.W.N. 62). I am not, therefore, satisfied that kidnapping a person from Jambughoda State was an extradition offence in respect of which a warrant could have been issued under section 7(1).

4. Section 188 of the Code of Criminal Procedure has no application to these facts. The word "offence" in that section means an offence punishable under the Indian Penal Code. Kidnapping a person out of Jambughoda, even assuming that it is an extradition offence, is certainly not punishable under the Indian Penal Code, and cannot be tried by any Court in British India; and a certificate of the Political Agent was therefore out of the question. See I.L.R. 47 Bombay 907.

5. On the whole, therefore, this was not a fit case for surrender. In view of the impending merger of Jambughoda, the question of surrender does not survive. The D.M. seems satisfied that this is a false case; and, therefore, there is no scope for departmental action against the Police Constables.

Sd.-
P.N.Lad
11/6

O.S. Remembrancer of Legal Affairs.

U.R. to P. and S.D., No. 5482, dated the 12th June 1948.

K.N.P.
28/5
A.C.

Subed.writh PP.

7557
18/6/48

Sd.-

18/6

A.S.

The Kolhapur State has demanded the extradition of one Babu alias Ramchandra Pandurang for the offence of theft in a dwelling house punshable under section 380 of the Indien Penal Code. The Chief Presidency Magistrate, Bombay who was directed by Government to hold an inquiry under section 9 read with section 3 of the Indian Extradition Act, has reported that there is suffficient prima facie evidence against the accused to justify his surrender. The accused is charged with having committed a theft of a purse containing Rs.75/- from the shop of one Dattajirao Santaram Mane of Kolhapur. Mane has shop for selling tea and soap in Chammbar's lane. The complainant Annaji who is in the service of Mane States that on 20th Jan. 1945 at about 12-0 the accused came into the said shop accompanied by one Hiralal. The complainant showed him some samples of soaps. The accused purchased two cakes of soap and also some tea. Then he and ihis companion went out of the shop and went away on their bicycles. Immediately thereafter witnesses Anant Gopal Shrikande who has a stationery shop opposite Mane's shop and Chand Jamal who was sitting in the shop, came into Mane's shop and informed the complainant thatthe accused had takent away the purse. This story is corroborated by witness Chand Jamal; The other witness Shrikhande does not appear to have been examined. However, the evidence of the complainant and that of witness Chand Jamal if believed would be sufficient to warrant a conviction for the offence sunder section 380,. The accused has stated in his statement befors the C.P.M. that he is prepared to go to Kolhapur to stand his trial. The reply may be :-

there is sufficient prima facie evidence to
justify the surrender of the accused to Kolha-pur state

-Sd.-
P.M.Lad
25/6

A.L.R.
-Sd.-
25/6

R.L.A. P.M.Lad
25/6

cor. to P. & S.D. No.6018 d. 28-6-1948.

K.N.P.
28/5
4.C.

L.D. R.I. No. 8558
18th June 1946.

One Mangoosha Hgyat alias Ramsingh Gitamasingh of Bombay is wanted by the Govt. of Baroda for the offences under sections 379 411 or 414 and 511 of the Indian Penal Code in respect of a barrel containing 44 gallons of petrol stolen from Harni Aerodrome at Baroda. The Chief Presidency Magistrate, Bombay, who was directed by the Govt. to hold an inquiry under section 9 read with section 3 of the Indian Extradition Act, has reported that there is sufficient prima facie evidence against the accused for the aforesaid offences.

2. The barrel of petrol was stolen on or about 15th April 1946 and was kept under a culvert on the way to Sama. It is alleged by the prosecution that the barrel was stolen by the present accused along with 4 others from the Harni Aerodrome and that the thereby committed an offence under section 379. In the alternative it is alleged that he dishonestly received or retained the barrel knowing or having reason to believe it to be stolen property or that he voluntarily assisted in concealing or disposing it of or making away with it knowing or having reason to believe it to be stolen property and that thuse he committed an offence either under section 411 or 414 of the Indian Penal Code.

3. The evidence against the accused is purely circumstantial. There is no direct evidence to prove that he actually stole the barrel or that he received or retained it or voluntarily assisted in concealing or disposieng of it, knowing it to be stolen. The evidence, has been summarised by the Extradition Officer, Baroda. It appears that soon after the theft, the petrol

barrel was discovered lying under the culvert; and anticipating that the culprits would come there to recover it a police party was waiting for them in ambush. On the date of the offence, the accused Mangusha accompanied by another accused Allarakha went to a motor-driver named Usufkhan Ismail in a hotel. The accused offered offered a remuneration of Rs.25/- to Usufkhans for taking two articles in his car from Usufkhan house to Chapaner Gate. Thereupon the accused and the witness Usufkhan went into the latter's car towards the Aerddrome but when the driver stopped the car outside the house, the accused told him to drive it further ahead near the culvert. The car was stopped near the culvert and the witness says that when he saw the barrel of petrol, he got suspicious andafterwards he was convinced that the accused had brought him there to carry away the barrel in his vehicle. Shankerrao a Police Havildar at Harni Aerddrome deposes that on the date of offence, he found one barrel of petrol lying beneath the culvert. He found two persons and one cyclist standing beneath the Nalla. He thereupon called the Police party and arrested the three men who were accused Nos.1,4 and 5. In the meantime, the motor vehicle driven by Usufkhan and accompanied by accused M Mangushah and Allarakha came up and they were also arrested. Then there is the evidence of Dataji Rao, the Baroda City Fojdar who was waiting in ambush with his party near the place where the barrel was concealed. He says that while he was waiting Motor Lorry No.414 driven by Usufkhan arrived there. There were three other persons inside among whom the accused Mangusha was one. On being questioned, the driver informed be me that the accused had hirded his lorry to carry their luggage which was on Harni Road. Mangusha and others were then arreste and taken to the Police station

4. The presence of the barrel lying beneath the Nala is also proved by the Panch witnesses. The petrol barrel was identified by the erodrome Officer.

5. The evidence against the accused amounts to this that on the date of offence, he hirdd a motor lorry and instructed the driver to bring it near the culverty where the barrel waws concealed presumably with the intention of removing it from the place of concealment. The presence of a barrel full of petrol which was not ordinary petrol but of a special variety intended for aircraft only was itself a suspicious circumstance. The accused's instructions to the driver to stop the car near the culvert would be for no other reason than for the removal of the barrel. It could therefore be safely alleged that he was either himself involved in the theft of the article or atleast that the voluntarily attempted to assist in concealing or disposing of or making away with the property, knowing or having reasons to believ it to be stolen property. The facts though not very clear are sufficient atleast to warrant a trial of the accused for the offences under sections 379 or section 512 read with section 414 of the Indian Penal Code. The charge under section 411 of receiveing or retaining the stolen property, knowing tit to be stolen is not clearly supported by the evidence The point is, however, immaterial for the purposes of extradition. The surrender would be justified ff if there is sufficient evidence to support a charge under one or other of the section mentioned. Besides, the

accused has stated in his statement before the C.P.M. that he is willing to go to Baroda to stand his trial there; We may therefore, agree with the C.P.M. and informed the P.&S. Deptt. that there is sufficient prima facie evidence to justify the surrendar of the accused for offences under sections 379 or section 511 read with secttion 414 of the Indian Penal Code.

Sd.-

25/6/48

Sd.-
A.E.R.
R.T. Katarki
25/6

R.L.A. Sd.-
P.M.Lad
25/6

A.G.A.

U.O.R. to P. & S.D. No. 6017 d. 28-6-1948.

K.N.P.
28/5
4.C.

Office of the R.L.A.

Surrender of the accused to the Hyderabad State under sec. 9 read with sec. 3 of the Indian Extradition Act, 1903 for an Offence punishable under sec. 224 of the I.P.C.

The surrender of the accused is demanded under section 9 read with section 3 of the Indian Extradition Act, 1903 for an offence punishable under section 224 of the Indian Penal Code. Section 3 occurs in Chapter II of the Indian Extradition Act which has been declared to have effect in British India as if it were part of the Extradition Act of 1870 (33-34 Vict. C. 52). The expression 'fugitive criminal' occurring in section 3 means a fugitive criminal accused or convicted of an extradition crime committed within the jurisdiction of that State (Section 26 of the Extradition Act, 1870). The accused in this case is not a fugitive criminal convicted of a crime committed in Hyderabad State. He is, however, charged with an offence which, if committed in India, would be an offence under section 224 of the Indian Penal Code. That section provides punishment inter alia for intentionally escaping or attempting to escape by a person from any custody in which he is lawfully detained for any such offence. The words" for any such offence " clearly mean an offence with which he is charged or of which he has been convicted. The accused was not charged with or convicted for any offence within the Hyderabad State when he escaped from the custody. The case of Billu vs. Crown I.L.R. 1940 Lahore p. 570 offers a close, though not an exact, parallel. In that case, the accused, a subject of an Indian State, was lawfully affrested by the State Police within the State territory for an offence committed by him there. While in such custody, he passed through British territory and escaped. He was arrested by the British police, charged with and convicted under section 224 of the Indian Penal Code. The High Court held that the accused could not be legally tried under section 224 in view of the fact that he was detained at the time of his escape by the State Police for an offence which was said to have been committed within the State territory and which could not be described as an offence committed in British India.

In other words, if the detentaion is in respect of an offence committed in an Indian State, it is not a detention which could beta taken notice of under section 224 of the Indian Penal Code. The converse of it would be equally true. Consequently, assuming tht the Penal Code of Hyderabad contains a provision corresponding to section 224 of the Indian Penal Code, the Hyderabad State cannot try the accused for an offence under section 224 if the accused escaped from the State Custody in which he was helf for the purposes of being extradited to Bombay for an offence committed in Bombay, It follows, therefore that as the acccused has not committed an extraditanle offence in Hyderabad this Government would be in order in refusing to comply with the request of the Hyderabad State for his surrender.

Sd.-

P.M.Lad

30/6

o.c. Remembrancer of Legal Affairs.

U.R. to P. & S. Deptt., 6134 D/- 1st July 1948.

K.N.P.
28/5
4.C.

Office of the R.L.A.

Under section 3 of the Indian Extradition Act, 1903 an inquiry may be directed by Government if it thinks fit. In the present case the Remembrancer of Legal Affairs has, after considering the prima evidence forwarded by the Baroda Government, already advised that the evidence is sufficient to comply with the request for extradition. A further inquiry by the District Magistrate would therefore seem unnecessary .

-Sd.-

P.M.lad 19/7

U.S. Remembrancer of Legal Affairs

U.R. to P. & S.D. No. 6776, dated the 20th July 194

K.N.P.
28/5
4.C.

Office of the R.L.A.

The District Magistrate, Belgaum received from the Kolhapur State, a requisition under section 9 of the Extradition Act, for the surrender of Laxman Ramchandra Chougule for an offence of dacoity. On 23rd April 1948 Government sanctioned futher detention of the accused till 10-5-1948 pending further orders. On 20th May 1945 the D.M. was again instructed to detain the accused till 10th June 1948. On 24th June 1948 Government requested the Regional Commissioner, Kolhpur State to issue a warrant to the District Magistrate, Belgaum under section 7 of the Extradition Act for the surrender of the accused. Pending receipt of the such warrrant the District Magistrate solicited orders for futher detention ofthe afcused in jail. The P. and S.D. think that it would be incorrect to detain the accused in custody pending the receipt of the warrant under section 7. The papers are shown to R.L.A. for remarks.

The provisions of section 10 of the Extradition Act under which the accused is arrested and detainedare quite clear and unambiguous . That section empowers the Magistr to issue a warrant fer the arrest of person within the local limits of His jurisdiction, who is accused or suspected of having committed an offence in any State not being a foreign State, and who may be lawfully surrendered to that State or for whose arrest a warrant may be issued under section 7. If, in the opinion ofthe Magistrate, these conditions are satisfied, he can issue a warrant under section 10. (See Muddiman, P.49). It is not nece ssary that a warrant under section 7 must have been issued to h before he can act under section 10. With the sanction of the Provincial Government the period of detention can be exended from time to time under section 10(3). Whether

the accused in the present case should be further detained is a question of expedie ncy.

Sd.-

P.M.Lad.

4/8

o.c. Remembrancer of Legal Affairs.

U.R. to P. and S.D.P, No. 7376, dated the 5th August 1948.

K.N.P.
28/5
4.C.

Office of the R.L.A.

There is sufficient prima facie evidence to justify the surrender of the accused to Portuguese Indian Authorities.

2. The Political and Services Department may perhaps like to give thought to the consideration whether this person is an Arab in view of the Complaints made regardin Arabs moving to Hyderabad via Goa.

Sd.-

P.M.Lad.

6/8

c.c. Remembrancer of Legal Affairs.

U.R. to P. & S.D., No. 7465, dated the 6th August 1948.

K.N.P.
28/5
4.C.

Office of the R.L.A.

The contention of the Bhopal State that the magistrate conducting the extradition proceedings has no option but to send the property to the State and that otherwise a conflict will arise between the provisions of section 517 of the Code of Criminal procedure and the rule framed under section 22 of the Indian Extradition Act is not tenable. The rule is quite clear in its provision that the magistrate has the option to send the property to the State; attention is specially invited to the word "may" in the expression "may send such property." The rule in terms grants to the magistrate all the powers of disposal vested in a court under the Code of Criminal Procedure not only in respect of property returned by the State but also in respect of the property produced before him. Had it been the intention to confine his powers only to property returned by the State, the words "property produced before him in such proceedings" would be out of place. The idea underlying this rule seems to be that there may be cases where, in view of the rights of third parties or for other reasons, the magistrate may think it inadvisable to transfer the property to the State but may like to dispose it of himself at the conclusion of the extradition proceedings. In construing the rule in this manner there would be no conflict with section 517 of the Code of Criminal Procedure. Nor can it be said that the section would virtually get repealed as maintained the Bhopal State; for the powers under section 517 are given to the State authority only in respect of property which is sent to it. The R.L.A's opinion No. 413 dated the 13th January 1948 does not, therefore require any reconsideration.

2. It must, however, be added that the Chief Presidency Magistrate cannot impose any conditions

while sending the property to the State. He may either send the property or dispose it of himself. If he sends the property, he must abide its return by the State for taking further action. The State authorities would naturally have power to take similar action if the property is sent to them.

Sd.-

P.M.Lad.

o.c. Remembrancer of Legal Affairs.

U.R. to P. & S.D. No. 9146 dated 27th September 1948.

K.N.P.
28/5
A.C.

Office of the R.L.A.

The general practice stated in para 5 of P. & S.D. office note is correct and is in conformity with the powers of arrest of the accused by the Police of the Indian Dominion and States. There is hardly any distinction between the Kolhapur authorities reciving the accused from the Commissioner of Police on the border line and the surrendering of the accused to Kolhapur State by the Government of Bombay. The point made out by the Administrator, Kolhapur is not tenable.

Sd.-

P.M.Lad.

10/9

O.C. Remembrancer of Legal Affairs.

U.R. to P. & S.D., No. 8608, dated 10th September 1948.

K.N.P.
28/5
A.C.

This relates to the extradition of one Vharwad Popat Chhegan to the Lakhtar State for an offence under section 435 of the Indian Penal Code. The E.L.A. is requested to advise whether there is sufficient prima facie evidence to justify the surrender of the accused to the State.

The charge against the accused is that at 11-30 o'clock on the night of 28.12.1946 he set fire to ah large haystack at the village of Chharad belonging to the Lakhtar State. Several prosecution witnesses have been examined by% their evidence does not prima facie show that it was the accused who set fire to the haystack. The first witness who is the Police Patel of the Chharad village saw the haystack burning on the night of the offence and he went there with Panchas and made Panchnama. They discovered the footmarks of some one going towards the village of Limbad. P.W. 2 Lavji Jhala who is a Panch witness correborated the story of the Police Patel. P.W. 3 states that on the night of the offence he saw the accused coming from the direction of Chharad and going towards Limbad. The next witness Shamji Vasta saw the haystack on fire and the next day P.W. 3 told him that he had seen the accused going from Chharad to Limbad. P.W. 5 Karsan Dhana is another witness who saw the accused running from Chharad towards Limbad. P P.W. 6 Pragi Magan Aja deposes that he traced the footmarks of a man from the haystack towards the village of Dhanki and then to Vithalgad and Limbad. The evidence of P.Ws. 7,8,9, and 10 only shows that there was a dispute between the two factions in the village over a woman named Bai Rupa who was first married to Bharwad Khura Vala of Limbad and later diverced and married to Visa Ghela of Gangad. The accused is the cousin of the first husband of this woman. The panch had fixed Rs.400 as compensation to be paid to Khura but he and his cousin the accused were demanding Rs. 900. All these are interested witnesses and their evidence does not directly or indirectly prove the guilt of the accused. The

depositions were recorded on 3.31948, nearly 14 months after the date of the offence. The accused was futher released on bail for Rs. 500 only although the damage caused was to the extent of Rs. 4000. Read as a whole the evidence is too flimsy to incriminate the accused.

Reply may be :-

"The prima facie evidence is not sufficient to justify the surrender of the accused to the Lakhtar State."

Sd.-

9/9/48.

A.L.R. I agree
Sd.-
R.T. Katarki
10/9

R.E.A. Sd.-
P.M.Lad .
10/9

U.O.R. to P. & S.D. No. 8615 d. 10-9-1948.

K.M.P.
28/5
4.C.

Office of the R.L.A.

The evidence against the accused is not satisfacto and cannot be regarded as sufficient to justify his surrender.

Sd.-

P.M.Lad.
11/9

o.c. Remembrancer of Legal Affairs.

U.R. to P. & S.D., No. 2649, dated the 13th September 1948.

K.N.P.
28/5
4.C.

I.P.C. Sec. 396 and Indian Arms Act, Sec. 19E.

Office of the R.L.A.

The power to assess the evidence vests in the State authority; his refusal to surrender the accused cannot ordinarily be questioned. In this case there is no reas to differ from the estimate of the evidence made by the State Extradition Officer, Baroda. What he has said in his note about the quilt is quite correct. There is nc evidence to demonstrate that it was realy stolen property No, valuable property was traced to the# accused as in e case of the other accused when other quilts were thrown away not far from the scene of the dacoity. It is extrer unlikely that this one should have been takent to his pla by the accused Appasaheb. The Panchanama shows that it bore his name; and no trace of the initials B&K N. upon which Bai Jebha vested her identification appear in that panchanama. It would seem, therefore, that this partic quilt was not the one identified by her. The State Extradition Officers comment regarding the cartridges is also quite proper; and they do not seem to have any connection with the offence. A confession by a co-accus can never be made the foundation of a case against any accused person. Besides the confession speak of "Khan" Considering that the confessors and the fourth accused a Muslims a Court would find it difficult to hold that "K an" means "Khanvilkar". That was not a natural manner questioning their associate Appasaheb Khanvilkar. In m opinion, therefore this is not a fit case for inviting the State authorities to reconsider their decision not to surrender the accused Appasheb Khanvilkar.

Sd.- P.M.Lad. 19/10

o.c. Remembrancer of Legal Affairs.

Sub.

U.R. to P. & S.D., No. 9600 Dated 13th October 1948.

K.M.P
28/5
A.G.

Office of the H.L.A.

There is at present no evidence before Government on which an arrest can be justified. As pointed out by the Magistrate of Sawantwadi who has released the accused, their arrest was made on a bare assertion the the commission of the offences by the Goa Police. In these circumstances it seems advisable to await the receipt of extradition papers from Goa before taking any action against the accused.

Sd/-

P.H.Lad.

12/10

e.c. Remembrancer of Legal Arrairs.

U.K. to P. & and- S.D, No. 9604, dated the 13th Octol 1948.

K.N.P.
28/5
4.C.

There is no despute in this case about the Commission of the Offence. There is Prima facie evidence for that purpose. The only dispute is about the precise jurisdiction in respect of the scene of offence. The panchnama made by the Baroda State authorities shows that the field which was the scene of offence was within Baroda Jurisdiction; whereas the accused maintains that it is within the jurisdiction of the Pumadra State which is now merged within the Province. The local officers should be able to decide this question with reference to the maps of the villages concerned. No question of law arises in that behalf.

Sd.- P.M.Lad
11/11 *

U.O. r. to Chief Secy. No.10660, dated 13-11-43.

M.N.P.
29/5
A.C.

There is no dispute in this case about the commission of the offence. There is prima facie evidence for th at purposes The only dispute is about the precise jurisdiction in respect of the scene of offence. The panchnama made by the Baroda State authorities shows that the field which was the scene of offence was within Baroda jurisdiction; whereas the accused maintains that it is within the jurisdiction of the Punadra State which is now merged within the Province . The local officers should be able to decide this question with reference to the maps of the villages concerned. No question of law arises in that behalf.

Sd. P.M.Lad
11/11

U.o.r. to Chief Secy.No.10660, dated 13-11-48.

K.M.P.
28/5
4.C.

Office of the R.L.A.

The question was fully considered by the R.L.A. in his last opinion No. 6134, dated 1-7-1948 and no new point is raised for reconsidering that opinion. The offence under section 224 does no appear an offence for which extradition can be claimed under the Extradition Treaty between the central Government and Nizam (see the Extradition Treaty dated 8-5-1867 printed at pages 253-55 of Muddiman's Law of Extradition from and to British India). If so, it would serve as an additonal ground to refuse to surrender the accused to the Nizam's Government.

Sd.- P.M.Lad
9/12

O.C. Remembrancer of Legal Affairs.

U.R. to P. & S.D., No. 11703 dated th 9th December 1948.

K.N.P.
28/5
4.C.

Office of the P.L.A.

There is sufficient prima facie evidence to justify surrender of the accused to the Baroda Government

There appears to be a mistake in quoting section in the draft warrant at page 17 ante. The acused are stated to have committed an offence under section 379, I.P.C. and not under section 394. The draft warrant may be corrected accordingly.

Sd.- P.M.Lad.
28/11

o.c. Remembrancer of Legal Affairs.

U.R. to P. & S.D., No. 11052, dated the 24th November 1948

K.N.P.
28/5
A.C.

Office of the P.L.A.

Consent of this Government is necessary in order to meet any possible objection from the accused to their trial for these additional offences, that they were not extradited for the purpose of these offences. The papers disclose a prima facie evidence against the accused for the offences under sections 380-457 of the Indian Penal Code. There is therefore no objection to giving the consent required by the Government of Baroda.

Sd.- P.M.Lad.
22/12

p.c. Remembrancer of Legal Affairs.

U.R. to P. and S.D., No. 12186, dated the 22nd December 1948.

H.H.P.
28/5
4.C.

Officer of the R.L.A.

At this stage, the material in support of the requisition for extradition is not before the R.L.A.; and it is, therefore, difficult to say whether it discloses a prima facie case which justifies extradition. In the ordinaryy course the case will be governed by section 3 of the Indian Extradition Act. When the case is referred to a Magistrate under that section, the Magistrate is required to take evidence to show that the crime of which the criminal is a c cused is an offence of a political character. In case the evidence discloses that the offence is of a political character, ordinarily the person would not be extradited. That is the established rule of international practice. (See pages 27 and 47 of Muddiman's Law of Extradition). Article vI of the Treatydated dated 17th October 1892 between England and Portugal also is to the same effect (Muddiman p. 201). The understanding as to extradition between British India and Portuguse India (See p. & S.D. Select file) must presumably be read subject to this general rule of practice, since there is no reason to discriminate in this behalf between Asiatic s and non-Asiatics. If from the available material Government is convinced that this is a political crime, we need not even send the case for inquiry to the Magistrate under section 3(v)

The p. & S.D. is requested to confirm this position as being in consonance with established practice. The papers may be referred to R.L.A. for final orders together with the evidence.

Sd.- P.H.L
23

K.M.P.
28/3

o.o. Memorandum of Legal Affairs
4.R.T.H.D. No 710 24th December 1948

Office of the R.L.A.

The accused were released by the Magistrate presumably because of the expiry of the period of two months under section 10(3) of the Indian Extradition Act, 1903; but section 10 being itself inapplicable to the present case, sub-section (3) was wrongly invoked by the Magistrate.

A requisition is received from the Baroda Government under section 9 and consequently as providdd therein, the procedure prescribed by section 3 will have to be followed. Under section 3(2) the Magistrate will have to issue a warrant for the arrest of the accused and the fact that the accused were released under section 10(3) would not preclud their arrest under section 3(2).

Sd.- P.M.Lad.
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O/c. Remembrancer of Legal Affairs.

U.R. to P. & S.D., No. 11327 dated the 1st Dec. 1948.

K.M.P.
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A.C.